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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,083	03/25/2004	Christopher L. Oesterling	GP-304641 (2760/164)	7667

7590 12/20/2006  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
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EXAMINER
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EKONG, EMEM

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,083	<b>Applicant(s)</b> OESTERLING, CHRISTOPHER L.	
	<b>Examiner</b> EMEM EKONG	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/01/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21, 23-31, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U S Publication No. 2005/0071079 A1 to Godfrey et al. (Godfrey) in view of U S Patent No. 6,925,378 B2 to Tzamaloukas.

Regarding claim 21, Godfrey discloses a method of operating a vehicle telematics device as a communication gateway (i.e. access point 203, pars. 30, and 32), comprising the steps of: receiving a transmission at the vehicle telematics device on a primary vehicle (i.e. access point 203, pars. 51-52) wherein the transmission is sent from a wireless modem unit (i.e. vehicle's on-board unit) on a secondary vehicle (i.e. station 202, see figure 2) equipped to communicate through a first communication protocol (receiver 501 of access point 203 receives signals from station 202 by using DSRC, see figure 5, pars. 30, 34, and 51-52); establishing communication between the vehicle telematics device on the primary vehicle (i.e. access point 203) and a service provider (i.e. service provider server 204, pars. 53) through a second communication protocol for which the secondary vehicle is not equipped (information received from 202 by 203 is communicated to server by using i.e. internet or fiber channel interface, par. 38); establishing a communication gateway between the secondary vehicle and the service provider utilizing the vehicle telematics device on the primary vehicle; and communicating data between the secondary vehicle and the service provider via the communication gateway (pars. 37-38, 57-60, and 67-83).

However, Godfrey fails to disclose the communication gateway as a vehicle telematics device.

Tzamaloukas discloses the communication gateway as a vehicle telematics device (i.e. mobile egress point, col. 3 lines 45-52, and col.4 lines 2-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Godfrey, and have the communication gateway as a vehicle telematics device as disclosed by Tzamaloukas for the purpose of using the gateway in a mobile vehicle such that it communicates with other moving vehicles that are in its surrounding area.

Regarding claim 29, Godfrey discloses a method of operating a vehicle telematics device as a communication gateway (i.e. access point 203, pars. 30, and 32), comprising the steps of: detecting at the vehicle telematics device on a primary vehicle a wireless access point for a secondary vehicle (i.e. access point 203, see figure 2, and par. 34); establishing communication between the secondary vehicle and the vehicle telematics device on the primary vehicle utilizing a first communication protocol (access point 203 communicates with station 202 by using DSRC, see figure 5, pars. 37, and 52); establishing communication between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not supported by the secondary vehicle (information received from 202 by 203 is communicated to service provider server 204 by using i.e. internet or fiber channel interface, pars. 38, and 70).

However, Godfrey fails to disclose the communication gateway as a vehicle telematics device, and communicating software updates to the secondary vehicle from the service provider via the primary vehicle.

Tzamaloukas discloses the communication gateway as a vehicle telematics device, and communicating software updates to the secondary vehicle from the service provider via the primary vehicle (i.e. mobile egress point, col. 3 lines 45-52, and col. 4 lines 2-15, col. 5 lines 11-30, and col. 14 line 58-col. 15 line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Godfrey, and have the communication gateway as a vehicle telematics device, and communicating software updates to the secondary vehicle from the service provider via the primary vehicle as disclosed by Tzamaloukas for the purpose of using the gateway in a mobile vehicle such that it communicates with other moving vehicles that are in its surrounding area and communicating update information to secondary vehicles.

Regarding claim 38, Godfrey discloses a method of operating a vehicle telematics device as a communication gateway (i.e. access point 203, pars. 30, and 32), comprising the steps of: detecting at the vehicle telematics device on a primary vehicle a wireless access point to a local secondary vehicle (i.e. access point 203, see figure 2, and par. 34); establishing communication between the secondary vehicle and the vehicle telematics device on the primary vehicle utilizing a first communication protocol (access point 203 communicates with station 202 by using DSRC, see figure 5, pars. 37, and 52); establishing communication between the vehicle telematics device on the primary vehicle and a service provider utilizing a second communication protocol not supported by the secondary vehicle (information received from 202 by 203 is

Art Unit: 2617

communicated to service provider server 204 by using i.e. internet or fiber channel interface, pars. 38, and 70); notifying the service provider from the vehicle telematics device of the identification of the secondary vehicle; communicating triggers to the secondary vehicle from the service provider via the primary vehicle (pars. 59-68)..

However, Godfrey fails to disclose the communication gateway as a vehicle telematics device.

Tzamaloukas discloses the communication gateway as a vehicle telematics device (i.e. mobile egress point, col. 3 lines 45-52, and col.4 lines 2-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Godfrey, and have the communication gateway as a vehicle telematics device as disclosed by Tzamaloukas for the purpose of using the gateway in a mobile vehicle such that it communicates with other moving vehicles that are in its surrounding area.

Regarding claim 23, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, wherein the receiving step further comprises receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider (col. 13 lines 7-15, inherently, a request is received during the association process)..

Regarding claim 24, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, wherein the first communication protocol includes at least one

Art Unit: 2617

communications protocol selected from the list consisting of: 802.11 series, Bluetooth, Wi-Fi, direct-sequence spread spectrum, frequency-hopping spread spectrum, and shared wireless access protocol (Godfrey, par. 34).

Regarding claim 25, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, wherein the second communication protocol is a cellular packet protocol (Tzamaloukas, col. 5 lines 25-30).

Regarding claim 26, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, further comprising the steps of receiving identification information from the secondary vehicle at the primary vehicle; and transmitting the identification information from the primary vehicle to the service provider for authentication of the secondary vehicle (Godfrey, pars. 59-60).

Regarding claims 27, 28, 34, 35, and 39, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, further comprising the steps of: receiving a data stream for the communication gateway from the service provider, the data stream including instructions for the communication gateway; and implementing the received instructions receiving instructions in the form of a data stream from the vehicle telematics device of the primary vehicle; and executing the instructions using one or more programs stored on the secondary vehicle (Godfrey pars. 52-53, and 56-61).



Regarding claim 30, the combination of Godfrey and Tzamaloukas discloses the method of claim 29, wherein the secondary vehicle is not equipped to communicate through the second communication protocol (Godfrey, station 203 communicates with service provider server 204 via i.e. internet or fiber channel interface, pars. 38, and 70)

Regarding claims 31 and 33, the combination of Godfrey and Tzamaloukas discloses the method of claim 29, wherein the detecting step further comprises detecting a wireless modem unit on the secondary vehicle (Tzamaloukas, i.e. mobile egress point, col. 3 lines 45-52, and col.4 lines 2-15, inherently, secondary vehicle comprises a modem unit).

Regarding claim 36, the combination of Godfrey and Tzamaloukas discloses the method of claim 29, further comprising the steps of: storing the software updates from the service provider in a database located on the primary vehicle; and updating the secondary vehicle with the software updates when communication is established between the primary vehicle and secondary vehicle (Tzamaloukas, col. 3 lines 45-52, and col. 4 lines 2-15, col. 5 lines 11-30, and col. 14 line 58-col. 15 line 1).

Regarding claim 37, the combination of Godfrey and Tzamaloukas discloses the method of claim 29, further comprising the steps of: notifying the service provider of an identification of one or more secondary vehicles; initiating one or more programs for

Art Unit: 2617

updating software on the one or more secondary vehicles; and providing software updates to the one or more secondary vehicles (Godfrey, pars. 59-60).

Regarding claim 40, the combination of Godfrey and Tzamaloukas discloses the method of claim 38, further comprising the step of triggering the secondary vehicle to provide diagnostic data to the service provider via the primary vehicle (pars. 63-68).

5. Claims 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey in view of Tzamaloukas, and further in view of U S Patent No. 6,977,612 B1 to Bennett.

The combination of Godfrey and Tzamaloukas discloses the method of claims 21, and 29, however, the combination fails to disclose wherein the receiving step is carried out in response to a polling message transmitted from the primary vehicle.

In a similar field of endeavor, Bennett discloses receiving carried out in response to a polling message (col. 4 lines 32-37, and 50-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination as disclosed by Bennet for the purpose of receiving up to date information.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey in view of Tzamaloukas, and further in view of European Patent Application No. 0866509 A2 to Wledeman.

Regarding claim 23, the combination of Godfrey and Tzamaloukas discloses the method of claim 21, however, the combination fails to specifically disclose wherein the receiving step further comprises receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider.

Wledeman discloses receiving a request for establishment of a communication gateway to the service provider (col. 2 lines 2-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the receiving step further comprises receiving a request from the secondary vehicle to establish a communication gateway for the secondary vehicle to the service provider as disclosed by Wledeman for the purpose of establishing communication link via gateway to service provider.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
EE  
11/08/06

JEAN GELIN  
PRIMARY EXAMINER

